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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/824,954

04/14/2004

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CF-77

7464

64558 7590 01/23/2008

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EXAMINER

RIVIERE, HEIDI M

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

01/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/824,954 | <b>Applicant(s)</b><br>DRUMMOND, STEPHEN M. |  |
|                              | <b>Examiner</b><br>HEIDI RIVIERE     | <b>Art Unit</b><br>3629                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7 September 2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

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**/John G. Weiss/**

**Supervisory Patent Examiner, Art Unit 3629** **DETAILED ACTION**

***Information Disclosure Statement***

1. The Information Disclosure Statement filed on **7 September 2004** has been considered. An initialed copy of the Form 1449 is enclosed herewith.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1, 25 and 37** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims contain the limitation that states emission reduction benefits are stored in the warehouse. The limitation as written is unclear. Examiner understands that the emission reduction benefits to be credits that have proven via documentation but is unsure whether Applicant is referring to another type of benefit. Applicant needs to clarify what "in the warehouse" means. The specification remains as vague as the claims on this matter. For the purposes of this Action, data on the benefits will be presumed to be stored on a computer system. Further clarification is appreciated.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claim 24** is rejected under 35 U.S.C. 102(e) as being anticipated by **Cogen et al (US 2004/0088179 A1)** (hereinafter “**Cogen**”).

6. **With respect to claim 24:** Cogen discloses:

- assessing a buyer, wherein the assessment comprises evaluating at least one of a product, a service, and a process of the buyer; (paragraph 67 – seller and purchaser assessed)
- determining a volume of emission retirement guarantees that a buyer has to purchase to become emission neutral ("TOTAL EMISSION RETIREMENT GUARANTEES") based at least in part on the assessment; (paragraph 6 – “verified emission reductions (VERs) associated with emission reduction projects (ERPs) and converting the VERs into mutual portfolio units (MPUs) based on predetermined factors; paragraphs 20, 71 76, 78 and 79 – MPUs can be redeemed for retirement purposes; project information “must

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be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts)

- receiving a request from the buyer to purchase an emission retirement guarantee, wherein the purchased emission retirement guarantee is added to a total purchased volume of emission retirement guarantees ("PURCHASED EMISSION RETIREMENT GUARANTEES"); and providing the buyer with a notification indicating emissions neutrality when PURCHASED EMISSION RETIREMENT GUARANTEES a TOTAL EMISSION RETIREMENT GUARANTEES. (paragraph 6 – “verified emission reductions (VERs) associated with emission reduction projects (ERPs) and converting the VERs into mutual portfolio units (MPUs) based on predetermined factors; paragraphs 20, 71 76, 78 and 79 – MPUs can be redeemed for retirement purposes; project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts)

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-22 and 25-48** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Soestbergen et al. (US 2002/0143693 A1)** (hereinafter "**Soestbergen**") in view of **Cogen**.

9. **With respect to claim 1:** Soestbergen discloses:

- providing the emission reduction benefits to a plurality of buyers.  
(paragraphs 18, 23 and 26 – emission reduction value is credited to the purchasers account as an asset)

Soestbergen does not teach generating emission reduction benefits from an emission reducing project; storing the emission reduction benefits in a warehouse; and verifying the stored emission reduction benefits. However, Cogen teaches:

- generating emission reduction benefits from an emission reducing project; (paragraph 6 – “verified emission reductions (VERs) associated with emission reduction projects (ERPs) and converting the VERs into mutual portfolio units (MPUs) based on predetermined factors)
- storing the emission reduction benefits in a warehouse;  
(paragraphs 24 and 85 – “reservoir” holds emission reduction credits)
- verifying the stored emission reduction benefits.( paragraph 71 and 76 – project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with ability to store and verify the benefits because of the need to guarantee against fraud.

10. **With respect to claims 2, 14, 26 and 38:** Soestbergen teaches:

- dividing the emission reduction benefits into a plurality of smaller benefits; (Figs. 4-11, items 203-205; paragraph 71 – ERCs are “calculated and divided into 5 accounts/funds by a percentage”) and
- providing the plurality of smaller benefits to a plurality of buyers. (paragraphs 18, 23 and 26 – emission reduction value is credited to the purchasers account as an asset)

11. **With respect to claims 3 and 27:** Soestbergen teaches:

- assessing a supplier in connection with carbon dioxide equivalent emissions of the supplier; (paragraph 71 – when the RE system is registered the ERCs are created "by giving the information necessary to evaluate how much GHG's are being reduced by the operation of the RE system)
- creating the emission reducing project based at least in part on the assessment; (paragraph 71 – when the RE system is registered the ERCs are created "by giving the information necessary to evaluate how much GHG's are being reduced by the operation of the RE system) and

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- converting the emission reducing project to a volume of emission reduction benefits. (paragraph 71 – when the RE system is registered the ERCs are created "by giving the information necessary to evaluate how much GHG's are being reduced by the operation of the RE system)

12. **With respect to claims 4, 15, 28 and 39:** Soestbergen teaches wherein the emission reduction benefits are a basket of emission reduction benefits. (Figs. 4-11, items 203-205; paragraph 71 – ERCs are "calculated and divided into 5 accounts/funds by a percentage") (look at claim 15 – one – find statement with one)

13. **With respect to claims 5, 16, 29 and 40:** Soestbergen teaches the limitations in the rejections above. However, Soestbergen does not teach allowing a broker and the supplier to determine an approach for creating the emission reducing project. However, Cogen teaches allowing a broker and the supplier to determine an approach for creating the emission reducing project. (paragraph 66 – a portfolio system allows those who transact with the system like a third party with experience with such deals can use to guide buyers and sellers).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with the broker with supplier determining the approach for creating the emission reducing project because this can lead to more emission reducing projects being converted to verified emissions reductions (Cogen paragraph 19).



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14. **With respect to claims 6, 17, 30 and 41:** Soestbergen teaches the limitations in the rejections above. However, Soestbergen does not wherein the providing further comprises allowing a marketing agent and the warehouse to determine an approach for providing the emission reduction benefits to the plurality of buyers. (paragraph 71 – “marketing information may disclose that company A, B and C have each committed at least 100,000 tonnes to the system”; project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with the broker with allowing a marketing agent and the warehouse to determine an approach for providing the emission reduction benefits to the plurality of buyers because this can lead to more emission reducing projects being converted to verified emissions reductions (Cogen paragraph 19).

15. **With respect to claims 7, 18, 31 and 42:** Soestbergen teaches the limitations in the rejections above. However, Soestbergen does not wherein the storing further comprises providing the warehouse with a certificate that corresponds to the emission reduction benefits. (paragraphs 24, 71 and 76 – project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with a warehouse with

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a certificate because of the need to “ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”. (Cogen: paragraphs 71 and 76)

16. **With respect to claims 8, 19 and 32:** Soestbergen teaches the limitations in the rejections above. However, Soestbergen does not wherein the verifying further comprises allowing an auditor to verify the emission reduction benefits. (paragraph 71 and 76 – project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with an auditor to verify the benefits because of the need to “ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”. (Cogen: paragraphs 71 and 76)

17. **With respect to claims 9 and 33:** Soestbergen teaches providing the plurality of buyers with an opportunity to purchase at least a portion of the emission reduction benefits. (paragraph 18 – purchase request received from a purchaser)

18. **With respect to claims 10 and 34:** Soestbergen teaches:

- receiving an indication from at least one of the plurality of buyers to purchase at least a portion of the emission reduction benefits;

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(paragraphs 18 and 23 – purchase request received from a purchaser) and

- providing the at least one of the plurality of buyers with an emission retirement guarantee for the at least a portion of the emission reduction benefits. (Fig. 7; paragraph 79 – “there is also a ‘retired’ status of credits that have been purchased as offsetting a particular GHG emission source”)

19. **With respect to claims 11, 20, 35 and 44:** Soestbergen teaches the limitations in the rejections above. However, Soestbergen does not teach providing the plurality of buyers with a listing display that displays a plurality of emission reducing projects. Cogen teaches providing the plurality of buyers with a listing display that displays a plurality of emission reducing projects. (paragraphs 50 and 59 – record created in database for each VER; national registry used with serial number that links to project identifying information)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with the display of the projects because of the need to make buyers aware of what is available to be purchased.

20. **With respect to claims 12, 21, 36 and 45:** Soestbergen teaches the limitations in the rejections above. However, Soestbergen does not teach providing each of the plurality of buyers with an opportunity to search for the emission reducing project. Cogen teaches providing each of the plurality of buyers with an opportunity to search for the emission reducing project.

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(paragraphs 50 and 59 – record created in database for each VER; national registry used with serial number that links to project identifying information)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with the ability to search for projects because of the need to make buyers aware of what is available to be purchased.

21. **With respect to claim 13:** Soestbergen teaches:

- assessing a supplier in connection with carbon dioxide equivalent emissions of the supplier; (paragraph 71 – when the RE system is registered the ERCs are created "by giving the information necessary to evaluate how much GHG's are being reduced by the operation of the RE system)
- creating an emission reducing project based at least in part on the assessment; (paragraph 71 – when the RE system is registered the ERCs are created "by giving the information necessary to evaluate how much GHG's are being reduced by the operation of the RE system)
- converting the emission reducing project to a volume of emission reduction benefit; storing the volume of emission reduction benefit in a warehouse; (paragraph 71 – when the RE system is registered the ERCs are created "by giving the information necessary to evaluate how much GHG's are being reduced by the operation of the RE system)

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- receiving a request from a buyer to purchase at least a portion of the volume of emission reduction benefit; (paragraphs 18 and 23 – purchase request received from a purchaser) and

Soestbergen does not teach in response to receiving the request, providing the buyer with an emission retirement guarantee, wherein the emission retirement guarantee prevents the emission reduction benefit in the warehouse from being repurchased. However, Cogen teaches:

- in response to receiving the request, providing the buyer with an emission retirement guarantee, wherein the emission retirement guarantee prevents the emission reduction benefit in the warehouse from being repurchased. (paragraph 6 – “verified emission reductions (VERs) associated with emission reduction projects (ERPs) and converting the VERs into mutual portfolio units (MPUs) based on predetermined factors; paragraphs 20, 71 76, 78 and 79 – MPUs can be redeemed for retirement purposes; project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with emission retirement guarantees because this can lead to more emission reducing projects being converted to verified emissions reductions and less likelihood of fraud. (Cogen paragraph 19).

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**22. With respect to claim 22:** Soestbergen teaches:

- receiving a request from a buyer to purchase a volume of emission reduction benefits from a warehouse; (paragraphs 18 and 23 – purchase request received from a purchaser)
- in response to receiving the request, providing the buyer with an emission retirement guarantee, wherein the emission retirement guarantee prevents the emission reduction benefit in the warehouse from being repurchased; (Fig. 7; paragraph 79 – “there is also a ‘retired’ status of credits that have been purchased as offsetting a particular GHG emission source”)
- associating the provided emission retirement guarantee with at least one of a product and a service, wherein the associating makes the at least one of a product and a service emissions neutral when the buyer has purchased a given amount of emission retirement guarantees; (Fig. 7; paragraph 79 – “there is also a ‘retired’ status of credits that have been purchased as offsetting a particular GHG emission source”)

Soestbergen does not teach certifying that the buyer has purchased the given amount of emission retirement guarantees; and providing a customer with the at least one of a product and a service that is emissions neutral. However, Cogen teaches:

- certifying that the buyer has purchased the given amount of emission retirement guarantees; (paragraph 6 – “verified emission

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reductions (VERs) associated with emission reduction projects (ERPs) and converting the VERs into mutual portfolio units (MPUs) based on predetermined factors; paragraphs 20, 71 76, 78 and 79 – MPUs can be redeemed for retirement purposes; project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts)and

- providing a customer with the at least one of a product and a service that is emissions neutral. (paragraphs 30 and 37 – “conversion engine 16 may also consider risks associated with ERPs 12 such as ... market risk ...and legal risk”)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with emission retirement certification and non-emission projects because this can lead to more emission reducing projects being converted to verified emissions reductions and less likelihood of fraud. (Cogen paragraph 19).

23. **With respect to claim 25:** Soestbergen teaches:

- a server storage device; (paragraphs 9-10, 61 and 69 – database and database server software)
- a server processor connect to the server storage device, the server storage device storing a program for controlling the server processor; (paragraphs 9-10 – system uses a computer and the Internet)

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- a plurality of workstations, each of the plurality of workstations operative to communicate with the server, each of the workstations comprising: (paragraphs 9-10, 61-62 and 69 – users have access to system)
- a workstation storage device; (paragraphs 9-10, 61-62 and 69 – users have access to system; database; computer)
  - a. provide the emission reduction benefits to a plurality of buyers (Soestbergen – Fig. 7; paragraph 79 – “there is also a ‘retired’ status of credits that have been purchased as offsetting a particular GHG emission source”)

Soestbergen does not teach generate emission reduction benefits from an emission reducing project; store the emission reduction benefits in a warehouse; and verify the stored emission reduction benefits. However, Cogen teaches:

- a workstation processor connected to the workstation storage device, the workstation storage device storing a workstation program for controlling the workstation processor, the workstation processor operative with the workstation program to:
  - a. generate emission reduction benefits from an emission reducing project; (paragraph 6 – “verified emission reductions (VERs) associated with emission reduction projects (ERPs) and converting the VERs



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into mutual portfolio units (MPUs) based on predetermined factors)

- b. store the emission reduction benefits in a warehouse; (paragraph 85 – “reservoir” holds emission reduction credits)
- c. verify the stored emission reduction benefits; (: paragraph 71 and 76 – project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with the storage of emission benefits because this enables less likelihood of fraud. (Cogen paragraph 19).

24. **With respect to claim 37:** Soestbergen teaches:

- a server storage device; (paragraphs 9-10, 61 and 69 – database and database server software)
- a server processor connect to the server storage device, the server storage device storing a program for controlling the server processor; (paragraphs 9-10 – system uses a computer and the Internet)

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- a plurality of workstations, each of the plurality of workstations operative to communicate with the server, each of the workstations comprising: (paragraphs 9-10, 61-62 and 69 – users have access to system)
  - a. a workstation storage device; (paragraphs 9-10, 61-62 and 69 – users have access to system; database; computer)
  - b. a workstation processor connected to the workstation storage device, the workstation storage device storing a workstation program for controlling the workstation processor, the workstation processor operative with the workstation program to:
    - i. assess a supplier in connection with carbon dioxide equivalent emissions of the supplier; (paragraph 71 – when the RE system is registered the ERCs are created "by giving the information necessary to evaluate how much GHG's are being reduced by the operation of the RE system)
    - ii. create an emission reducing project based at least in part on the assessment; (paragraph 71 – when the RE system is registered the ERCs are created "by giving the information necessary to evaluate how much GHG's are being reduced by the operation of the RE system)

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- iii. convert the emission reducing project to a volume of emission reduction benefit; (paragraph 71 – when the RE system is registered the ERCs are created "by giving the information necessary to evaluate how much GHG's are being reduced by the operation of the RE system)
- iv. receive a request from a buyer to purchase at least a portion of the volume of emission reduction benefit; (paragraphs 18 and 23 – purchase request received from a purchaser) and
- v. provide the buyer with an emission retirement guarantee in response to receiving the request, wherein the emission retirement guarantee prevents the emission reduction benefit in the warehouse from being repurchased. (Fig. 7; paragraph 79 – “there is also a ‘retired’ status of credits that have been purchased as offsetting a particular GHG emission source”)

Soestbergen does not teach store the volume of emission reduction benefit in a warehouse. However, Cogen teaches:

- vi. store the volume of emission reduction benefit in a warehouse. (paragraph 85 – “reservoir” holds emission reduction credits)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with the storage of emission benefits because this enables less likelihood of fraud. (Cogen paragraph 19).

25. **With respect to claim 43:** Soestbergen teaches the limitations in the rejections above. However, Soestbergen does not wherein the workstation processor is further configured to allow an auditor to verify the volume of emission reduction benefit in the warehouse. Cogen teaches wherein the workstation processor is further configured to allow an auditor to verify the volume of emission reduction benefit in the warehouse. (paragraph 71 and 76 – project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts; paragraph 85 – “reservoir” holds emission reduction credits)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with ability to verify the benefits because of the need to guarantee against fraud.

26. **With respect to claim 46:** Soestbergen teaches:

- a server storage device; (paragraphs 9-10, 61 and 69 – database and database server software)
- a server processor connect to the server storage device, the server storage device storing a program for controlling the server

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processor; (paragraphs 9-10 – system uses a computer and the Internet)

- a plurality of workstations, each of the plurality of workstations operative to communicate with the server, each of the workstations comprising: (paragraphs 9-10, 61-62 and 69 – users have access to system)
  - a. a workstation storage device; (paragraphs 9-10, 61-62 and 69 – users have access to system; database; computer)
  - b. a workstation processor connected to the workstation storage device, the workstation storage device storing a workstation program for controlling the workstation processor, the workstation processor operative with the workstation program to:
    - i. receive a request from a buyer to purchase a volume of emission reduction benefits from a warehouse; (paragraphs 18 and 23 – purchase request received from a purchaser)
    - ii. provide the buyer with an emission retirement guarantee in response to receiving the request, wherein the emission retirement guarantee prevents the emission reduction benefit in the warehouse from being repurchased; (Fig. 7; paragraph 79 – “there is also a ‘retired’ status of credits that have been

purchased as offsetting a particular GHG emission source”)

Soestbergen does not teach associate the provided emission retirement guarantee with at least one of a product and a service, wherein the associating makes the at least one of a product and a service emissions neutral when the buyer has purchased a given amount of emission retirement guarantees; certify that the buyer has purchased the given amount of emission retirement guarantees; and provide a customer with the at least one of a product and a service that is emissions neutral.. However, Cogen teaches:

- iii. associate the provided emission retirement guarantee with at least one of a product and a service, wherein the associating makes the at least one of a product and a service emissions neutral when the buyer has purchased a given amount of emission retirement guarantees; (paragraph 6 – “verified emission reductions (VERs) associated with emission reduction projects (ERPs) and converting the VERs into mutual portfolio units (MPUs) based on predetermined factors; paragraphs 20, 71 76, 78 and 79 – MPUs can be redeemed for retirement purposes; project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of

- participants and VERs within the system”; product assessed by third party experts)
- iv. certify that the buyer has purchased the given amount of emission retirement guarantees; (paragraph 6 – “verified emission reductions (VERs) associated with emission reduction projects (ERPs) and converting the VERs into mutual portfolio units (MPUs) based on predetermined factors; paragraphs 20, 71 76, 78 and 79 – MPUs can be redeemed for retirement purposes; project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts)
- v. provide a customer with the at least one of a product and a service that is emissions neutral. (paragraphs 30 and 37 – “conversion engine 16 may also consider risks associated with ERPs 12 such as ... market risk ...and legal risk”)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with emission retirement guarantees because this can lead to more emission reducing projects being converted to verified emissions reductions and less likelihood of fraud. (Cogen paragraph 19).

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27. **With respect to claim 47:** Soestbergen teaches:

- a server storage device; (paragraphs 9-10, 61 and 69 – database and database server software)
- a server processor connect to the server storage device, the server storage device storing a program for controlling the server processor; (paragraphs 9-10 – system uses a computer and the Internet)
- a plurality of workstations, each of the plurality of workstations operative to communicate with the server, each of the workstations comprising: (paragraphs 9-10, 61-62 and 69 – users have access to system)
  - a. a workstation storage device; (paragraphs 9-10, 61-62 and 69 – users have access to system; database; computer)
  - b. a workstation processor connected to the workstation storage device, the workstation storage device storing a workstation program for controlling the workstation processor, the workstation processor operative with the workstation program to:
    - i. receive a request from a buyer to purchase a volume of emission reduction benefits from a warehouse; (paragraphs 18 and 23 – purchase request received from a purchaser)



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Soestbergen does not teach provide the buyer with an emission retirement guarantee in response to receiving the request, wherein the emission retirement guarantee prevents the emission reduction benefit in the warehouse from being repurchased; associate the provided emission retirement guarantee with a process, wherein the associating makes the process emissions neutral when the buyer has purchased a given amount of emission retirement guarantees; certify that the buyer has purchased the given amount of emission retirement guarantees; and allow the buyer to convert a process to an emissions neutral process based at least in part on the certification. However, Cogen teaches:

- ii. provide the buyer with an emission retirement guarantee in response to receiving the request, wherein the emission retirement guarantee prevents the emission reduction benefit in the warehouse from being repurchased; (paragraph 6 – “verified emission reductions (VERs) associated with emission reduction projects (ERPs) and converting the VERs into mutual portfolio units (MPUs) based on predetermined factors; paragraphs 20, 71 76, 78 and 79 – MPUs can be redeemed for retirement purposes; project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts) and

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- iii. associate the provided emission retirement guarantee with a process, wherein the associating makes the process emissions neutral when the buyer has purchased a given amount of emission retirement guarantees; (paragraph 6 – “verified emission reductions (VERs) associated with emission reduction projects (ERPs) and converting the VERs into mutual portfolio units (MPUs) based on predetermined factors; paragraphs 20, 71 76, 78 and 79 – MPUs can be redeemed for retirement purposes; project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts)
- iv. certify that the buyer has purchased the given amount of emission retirement guarantees; (paragraph 6 – “verified emission reductions (VERs) associated with emission reduction projects (ERPs) and converting the VERs into mutual portfolio units (MPUs) based on predetermined factors; paragraphs 20, 71 76, 78 and 79 – MPUs can be redeemed for retirement purposes; project information “must be packaged to ensure sufficient information is disclosed to convey the high

- quality of participants and VERs within the system”;  
product assessed by third party experts) and
- v. allow the buyer to convert a process to an emissions neutral process based at least in part on the certification. (paragraph 71 and 76 – project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with emission retirement guarantees because this can lead to more emission reducing projects being converted to verified emissions reductions and less likelihood of fraud. (Cogen paragraph 19).

28. **With respect to claim 48:** Soestbergen teaches:

- a server storage device; (paragraphs 9-10, 61 and 69 – database and database server software)
- a server processor connect to the server storage device, the server storage device storing a program for controlling the server processor; (paragraphs 9-10 – system uses a computer and the Internet)
- a plurality of workstations, each of the plurality of workstations operative to communicate with the server, each of the workstations

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comprising: (paragraphs 9-10, 61-62 and 69 – users have access to system)

- a. a workstation storage device; (paragraphs 9-10, 61-62 and 69 – users have access to system; database; computer)

Soestbergen does not teach assess a buyer, wherein the assessment comprises evaluating at least one of a product, a service, and a process of the buyer determine a volume of emission retirement guarantees that a buyer has to purchase to become emission neutral ("TOTAL EMISSION RETIREMENT GUARANTEES") based at least in part on the assessment; receiving a request from the buyer to purchase an emission retirement guarantee, wherein the purchased emission retirement guarantee is added to a total purchased volume of emission retirement guarantees ("PURCHASED EMISSION RETIREMENT GUARANTEES"); and provide the buyer with a notification indicating emissions neutrality when PURCHASED EMISSION RETIREMENT GUARANTEES a TOTAL EMISSION RETIREMENT GUARANTEES. However, Cogen teaches:

- b. a workstation processor connected to the workstation storage device, the workstation storage device storing a workstation program for controlling the workstation processor, the workstation processor operative with the workstation program to:
  - i. assess a buyer, wherein the assessment comprises evaluating at least one of a product, a service, and a

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process of the buyer; (paragraph 67 – seller and purchaser assessed)

- ii. determine a volume of emission retirement guarantees that a buyer has to purchase to become emission neutral ("TOTAL EMISSION RETIREMENT GUARANTEES") based at least in part on the assessment; receiving a request from the buyer to purchase an emission retirement guarantee, wherein the purchased emission retirement guarantee is added to a total purchased volume of emission retirement guarantees ("PURCHASED EMISSION RETIREMENT GUARANTEES"); (paragraph 6 – “verified emission reductions (VERs) associated with emission reduction projects (ERPs) and converting the VERs into mutual portfolio units (MPUs) based on predetermined factors; paragraphs 20, 71 76, 78 and 79 – MPUs can be redeemed for retirement purposes; project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts)and
- iii. provide the buyer with a notification indicating emissions neutrality when PURCHASED EMISSION

RETIREMENT GUARANTEES a TOTAL EMISSION  
RETIREMENT GUARANTEES. (paragraph 6 –  
“verified emission reductions (VERs) associated with  
emission reduction projects (ERPs) and converting the  
VERs into mutual portfolio units (MPUs) based on  
predetermined factors; paragraphs 20, 71 76, 78 and  
79 – MPUs can be redeemed for retirement purposes;  
project information “must be packaged to ensure  
sufficient information is disclosed to convey the high  
quality of participants and VERs within the system”;  
product assessed by third party experts)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with emission retirement guarantees because this can lead to more emission reducing projects being converted to verified emissions reductions and less likelihood of fraud. (Cogen paragraph 19).

29. **Claim 23** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cogen** in view of **Soestbergen**.

30. **With respect to claim 23:** Cogen teaches:

- in response to receiving the request, providing the buyer with an emission retirement guarantee, wherein the emission retirement guarantee prevents the emission reduction benefit in the

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warehouse from being repurchased; and associating the provided emission retirement guarantee with a process, wherein the associating makes the process emissions neutral when the buyer has purchased a given amount of emission retirement guarantees; (paragraph 6 – “verified emission reductions (VERs) associated with emission reduction projects (ERPs) and converting the VERs into mutual portfolio units (MPUs) based on predetermined factors; paragraphs 20, 71 76, 78 and 79 – MPUs can be redeemed for retirement purposes; project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts)

- certifying that the buyer has purchased the given amount of emission retirement guarantees; (paragraph 6 – “verified emission reductions (VERs) associated with emission reduction projects (ERPs) and converting the VERs into mutual portfolio units (MPUs) based on predetermined factors; paragraphs 20, 71 76, 78 and 79 – MPUs can be redeemed for retirement purposes; project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts) and
- allowing the buyer to convert a process to an emissions neutral process based at least in part on the certification. (paragraph 71

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and 76 – project information “must be packaged to ensure sufficient information is disclosed to convey the high quality of participants and VERs within the system”; product assessed by third party experts)

Cogen does not teach receiving a request from a buyer to purchase a volume of emission reduction benefits from a warehouse. However, Soestbergen teaches:

- receiving a request from a buyer to purchase a volume of emission reduction benefits from a warehouse; (paragraphs 18 and 23 – purchase request received from a purchaser)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the benefits to buyers with emission retirement guarantees because this can lead to more emission reducing projects being converted to verified emissions reductions and less likelihood of fraud.



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**CONCLUSION**

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heidi Riviere whose telephone number is 571-270-1831. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Name: Heidi Riviere****/H. R./****Examiner, Art Unit 3629****Name: John Weiss, SPE****/John G. Weiss/**

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**Supervisory Patent Examiner, Art Unit 3629**